

REMARKS

Claims 1-23 are pending. No new matter has been added by way of the present amendments. For instance, claim 1 has been amended to define R^1 as a straight, branched or cyclic monovalent hydrocarbon group having 1 to 10 carbon atoms, and R^2 as a straight, branched or cyclic monovalent hydrocarbon group having 2 to 10 carbon atoms, or R^1 and R^2 may bond together to form an aliphatic hydrocarbon ring with the carbon atom to which they are bonded. This amendment is supported by originally filed claim 1, and the present specification at page 8, lines 25-31, and pages 11-12. Claim 2 has been placed into independent format. Claim 5 has been amended to remove the recitation of A^1 and formula (1a), and to define R^1 and R^2 as amended in claim 1. The dependency of claims 6 and 7 has been altered to claim 5. New claims 9, 10, 11, and 12 are supported by originally filed claims 4, 6, 7 and 8, respectively. New claim 13 is supported by originally filed claims 1 and 2, wherein the functional group of A^1 from original claim 1 has been recited as defined in the formula (2) of original claim 2. New claims 14, 15, 16, and 17 are supported by originally filed claims 5, 6, 7 and 8, respectively. New claim 18 is supported by originally filed claim 1 as well as the present specification at pages 10-12. New claims 19, 20, 21 and 22 are supported by originally filed claims 4, 6, 7 and 8, respectively. Lastly, new claim 23 is supported by originally filed claim 1. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully

request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 USC § 102(e)

The Examiner has rejected claims 1 and 3-8 under 35 U.S.C. §102(e) as being anticipated by Nishi et al. (US 6,677,101 B2, hereinafter referred to as Nishi '101). Applicants respectfully traverse this rejection.

Nishi '101 fails to suggest or disclose an ester compound as defined in claim 1. For instance, Nishi '101 fails to suggest or disclose an ester compound of formula (1) wherein R^1 is a straight, branched or cyclic monovalent hydrocarbon group having 1 to 10 carbon atoms, and R^2 is a straight, branched or cyclic monovalent hydrocarbon group having 2 to 10 carbon atoms. Nishi '101 further fails to suggest or disclose an ester compound of formula (1) wherein R^1 and R^2 bond together to form an aliphatic hydrocarbon ring with the carbon atom to which they are bonded. Accordingly, the Examiner has failed to present a valid case of anticipation. Reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

At paged 3-4 of the outstanding Office Action the Examiner has indicated that claim 2 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants submit that claim 2 has been

placed into independent format. Accordingly, claim 2 and all claims that depend thereon are allowable.

In view of the above, Applicants respectfully submit that all currently pending claims are in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw all outstanding rejections and allow the currently pending claims.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Reg. # 42,874, at the offices of Birch, Stewart, Kolasch & Birch, LLP at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #42.874
Gerald M. Murphy, Jr., #28,977

GMM/CAM/mmi
0171-1023P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000